



Appeal Decision

Site visit made on 17 September 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2024

Appeal Ref: APP/B5480/W/23/3335002

10 and 12 Edmund Road, Havering, Rainham RM13 8LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr P Singh, Shergill Construction Ltd, against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1304.23.
 - The development proposed is Demolition of No.10 and 12 Edmund Road with the construction of 5 No. x 3 bedroom semi-detached and terraced dwellings with off-street parking, private amenity space and cycle stores.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- the effect of the proposal on the living conditions of the occupants of neighbouring property 8 Edmund Road with regard to outlook and sunlight; and
- whether the proposal would provide suitable living conditions for future occupants with regard to the internal living space of bedroom two in plots one to three.

Reasons

Living conditions of neighbours

3. The appeal site is located in a primarily residential area comprising properties that are both single and two storey and a mix of architectural styles. Both 10 and 12 Edmund Road are detached single storey properties and are modest in terms of their scale and massing. Neighbouring property 8 Edmund Road (No 8) is a traditional two storey semi-detached property that has a single storey rear.
4. The proposal is for the demolition of both 10 and 12 Edmund Road to allow for the erection of five two-storey dwellings. The proposed property in plot 5 would be close to the boundary between the appeal site and No 8 and would be higher than the existing boundary fence for a significant distance beyond the two storey element of No 8.
5. The close proximity, scale and massing of the proposed dwelling in plot 5 would result in a sense of enclosure and have a harmful effect on the outlook of the

occupants of No 8. The hipped roof and design of the proposed dwelling plot 5 and the single storey outbuilding in the rear garden of No 8 do not ameliorate my concerns in this regard.

6. The Council also raised concerns regarding the impact of the proposed scheme on the occupants on No 8 in terms of sunlight. The height and close proximity of the proposed dwelling in plot 5 may also have a harmful impact on sunlight, given the orientation of No 8 in relation to the proposed scheme; further, there is no substantive evidence before me to demonstrate that this would not be the case.
7. For the reasons detailed above the proposal would have a significantly harmful effect on the living conditions of the occupants of No 8 with regard to outlook and sunlight. Therefore, the proposed scheme would be contrary to Policies 7 and 26 of the Havering Local Plan 2016-2031, 2021 (HLP) which seek to protect the amenity of future residents in supporting development that does not result in unacceptable loss of outlook and sunlight and require development proposals to fully integrate with neighbouring developments.

Living conditions of future occupants

8. The proposed scheme is for the erection of five two storey, three-bedroom properties comprising a terrace of three and a pair of semi-detached. Policy D6 of the London Plan 2021 (LonP) stipulates that a dwelling with two or more bedrooms would require at least one double bedroom that is at least 2.75m wide and every additional double bedroom must be at least 2.55m wide and a double bedroom should have a floor area of 11.5sqm.
9. The proposed plans indicate that the floor area of bedroom two would be 13.5 sqm, this would meet the requirements of the D6 of the LonP and there is no dispute in this regard between the main parties. However, bedroom 2 in plots one to three are 'L' shaped and the point where the width of the room is measured is disputed. The Council measure the width of the room to be slightly below 2.55m wide and the appellant measures the room to be above this figure.
10. The LonP does not specify how the width of a room should be measured and the appellant has demonstrated that the width of the room exceed 2.55m at one point. As these bedrooms would exceed internal space standards and the overall layout would allow for a practical and usable space, they would provide suitable living conditions for future occupants in this regard.
11. For the reasons detailed above, the proposal would provide suitable living conditions for future occupants with regard to the internal living space of bedroom two in plots one to three. Therefore, it would be in accordance with Policy 7 of the HLP and Policy D6 of the LonP which seek to ensure residential development does not adversely impact the amenity and quality of life of future residents and sets internal space standards.

Other Matters

12. I note that the appellant has taken pre-application advice provided by the Council in finalising the scheme. However, the advice provided by the local authority cannot pre-empt the democratic decision making process or a particular outcome, in the event that a formal planning application is made.

13. The Council have raised no objection in relation to character and appearance, location of the proposal, accessibility, suitability of the proposed access and parking and cycle storage. Further, I have found no harm in relation to the living conditions of future occupants. However, the absence of harm in these respects form neutral factors in my assessment of the appeal, weighing neither for nor against the proposal.

Planning Balance and Conclusion

14. I have found that the proposal would provide an acceptable living environment for future occupiers in regard to the sizes of their bedroom. However, the development would cause harm to the living conditions of the occupiers of No 8 due to its overbearing effect and loss of sunlight. As such the development would conflict with the development plan as a whole. Policies 7 and 26 of the HLP are largely consistent with the provisions of paragraph 135f of the National Planning Policy Framework (the Framework) in seeking to ensure that all development has a high standard of amenity for existing users. As such, I have attached significant weight to the conflict with the policy.
15. The Council concedes that it is unable to demonstrate a 5 year supply of deliverable housing sites. Further on the 19th December 2023 the Government published the Council's Housing Delivery Test Result for 2022 which is 55%. Therefore paragraph 11 (d) of the Framework is engaged. In these circumstances, this sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
16. Given the quantum of development, and scale of the shortfall I afford moderate positive weight to the housing land supply benefits, along with the economic and social benefits of the scheme. Overall, the adverse impacts would significantly and demonstrably outweigh the moderate benefits. Therefore, the proposal would not constitute a sustainable form of development in terms of the Framework.
17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

C Livingstone

INSPECTOR

